

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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KATHLEEN MINDLIN, et al.,  
Plaintiffs,

-against-

BURGER KING CORP., et al.,  
Defendants.

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**MEMORANDUM OF DECISION  
AND ORDER**  
03-CV-6003 (DRH)(JO)

**HURLEY, District Judge:**

On April 29, 2005, United States Magistrate Judge James Orenstein issued a Report and Recommendation recommending that the Court partially vacate its order of February 7, 2005, specifically, the portion which dismissed the action as to Plaintiff Don Johnson.

The Report advised the parties that any party must file objections within ten (10) days of the date of the report, and that failure to file objections would result in a waiver of the right to appeal the final order of this Court. *See* Fed. R. Civ. P. 72; 28 U.S.C. § 636(b)(1). More than ten (10) days have elapsed since the Report was issued and to date, no party has filed any objections.

The Court has reviewed the conclusions reached by Judge Orenstein and finds that they are supported in the record and not clearly erroneous. Accordingly, the Court adopts the April 29, 2005 Report and Recommendation in its entirety.

The Clerk of the Court is directed to reinstate Plaintiff Don Johnson as a party to this action.

**SO ORDERED.**

Dated: Central Islip, N.Y.  
May 25, 2005

\_\_\_\_\_/s\_\_\_\_\_  
Denis R. Hurley,  
United States District Judge